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**SEP 10 2009**

**OFFICE OF PETITIONS**

MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND WA 98052-6399

In re Application of :  
Pankaj Dhingra :  
Application No. 10/882,122 : **ON PETITION**  
Filed: June 30, 2004 :  
Attorney Docket No. 302851.01 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 10, 2009.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed June 30, 2008. This Office action set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136 were obtained. No reply having been received, the application became abandoned on October 1, 2008. The Office mailed a Notice of Abandonment on June 23, 2009.

With the instant petition, petitioner points out that the Examiner mailed a interview summary on December 15, 2008, in which the Examiner indicated that the June 30, 2008 Office action is withdrawn, and a new non-final Office action would be sent. Accordingly, petitioner argues that the application should not be abandoned. Petitioner's argument

has been considered, but is not persuasive. First, the June 30, 2008 Office action was never officially vacated. Secondly, when the six month statutory deadline approached on December 30, 2008, and no new non-final Office action had been mailed, it was incumbent on petitioner to file a reply to the June 30, 2008 Office action.

Petitioner may wish to consider reviving the application pursuant to 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional delay).

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(1), currently \$270 for a small entity; (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

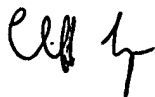
A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently \$810 for a small entity; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                 Commissioner for Patents  
                                 P.O. Box 1450  
                                 Alexandria VA 22313-1450

By FAX:                      (571)273-8300  
                                 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions